

Atty. Docket No. DE9-1999-0085US1
(590.027)

REMARKS

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On October 14, 2004, Applicant's counsel conducted a telephone interview with the Examiner during which the claims of the present application and the applied art were discussed. No agreement, however, was reached with respect to the claims.

Claims 1 - 13 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 11 and 13 are independent claims; the remaining claims are dependent claims.

Claim 13 stands rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 13 has been rewritten to correct a typographical error introduced in the last Amendment. No change in the scope of the claim is intended by this amendment. It is respectfully submitted this rejection is now obviated.

Claims 1 and 2 continue to stand rejected under 35 USC 102(b) as anticipated by Gadd. Claims 3-8 continue to stand rejected under 35 USC 103(a) as obvious over Gadd in view of Pfeifer et al. and further in view of alleged well known prior art. Claims 1, 11, and 13 are independent claims; the remaining claims are dependent claims. Reconsideration of the claims as is respectfully requested.

The basis for the rejections is set forth in the Office Action as follows: "[t]he examiner maintains that the term 'bit string' is commonly understood to mean an

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'ordered sequence of bits' (see Dictionary.com), and that this definition encompasses the concept of a character sequence as taught by Gadd (i.e. the code for a character sequence has an underlying representation of an ordered sequence of bits).

As best understood, Gadd is directed to a phonetic retrieval technique which uses a key in the format of Annnnnnn, where n represents a numeric value from 1 to 8 as appropriate an A is the first character of a name after phonetic substitution. (page 369) The key is in an ASCII format and in order to determine if two words are of interest, the keys are compared.

When two ASCII character strings (such as the keys of Gadd) are compared in computer systems, the strings are compared character by character. Strings of different lengths are not equal (for example, "dogs" is greater than "dog"). The comparison criteria are the ASCII values of the characters. Under these criteria, the digits 0 to 9 are less than the uppercase letters A to Z, and the uppercase letters A to Z are less than the lowercase letters a to z. A character string comparison ends when either of the following conditions is true: all the characters have been compared, in which case the strings are equal; or the first mismatch occurs. Thus, before a two keys of Gadd are deemed to be a "match", eight (8) separate comparison operations are performed.

Adopting for the moment the rational of the outstanding Action, at best it could be said that in Gadd in each piece of phonetic information is represented by its own (underlying) bit stream. There would still be, however, a comparison of each of eight individual (underlying) bit streams before Gadd would deem a "match". This is in contrast to the present invention.

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The instantly claimed invention requires specifically "representing the identified phonetic features as a bit string". (Claim 1) Similar language appears in the other independent claims. Thus in the present invention the identified phonetic features as a whole are represented by a bit string. Doing so permits the use of a binary comparison operator in a computer system to compare two bit strings (or binary strings). Thus, in accordance with the presently claimed invention a "match" of the phonetic features represented by two bit strings is accomplished with one comparison. As discussed in the specification, "[b]y representing the phonetic information as a sequence of bits, i.e., a binary value, the performance of a database search is significantly increased as binary values can be compared much faster than character strings." (Page 9, lines 5-8)

It is respectfully submitted that Gadd clearly falls short of present invention in that it does not teach "representing the identified phonetic features as a bit string". Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

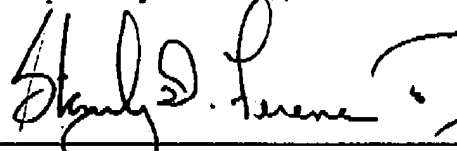
The combination of Gadd and Pfiefer et al. do not overcome the deficiencies of Gadd set forth above. There is absolutely no teaching or suggestion in Pfiefer that would lead one of ordinary skill in the art to modify Gadd to arrive at the present invention. A 35 U.S.C. 103(a) rejection is therefore improper.

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In view of the foregoing, it is respectfully submitted that Claims 1, 11, and 13 fully distinguish over the applied art and are thus allowable. By virtue of dependence from what is believed to be allowable independent Claims 1 and 11, it is respectfully submitted that Claims 2-10 and 12 are also presently allowable. Applicant acknowledges that Claims 9-10 were indicated by the Examiner as being allowable if rewritten in independent form. Applicant reserves the right to file new claims of such scope at a later date that would still, at that point, presumably be allowable. Applicant acknowledges that Claims 11-12 were indicated by the Examiner as being allowed.

In summary, it is respectfully submitted that the instant application, including Claims 1-13, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer Number 35195
FERENCE & ASSOCIATES
400 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants